

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Derek CAMPBELL et al.

Confirmation No.: 3120

Application No.: 10/700,043

Filed: November 4, 2003

For: GOLF BAG BASE

Atty. Docket No.: 005127.00179

Group Art Unit: 3781

Examiner: Mai, Tri M.

APPEAL BRIEF

U.S. Patent and Trademark Office
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Sir:

This is an Appeal Brief filed in support of Appellants' Notice of Appeal and Pre-Appeal Brief Request for Review filed May 9, 2008, and pursuant to Applicant's Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. §1.137(b). Appeal is taken from the Final Office Action mailed February 7, 2008 (hereafter, "Final Office Action").

Please charge any fees to Deposit Account No. 19-0733. In addition, any extensions of time necessary for acceptance or entry of this paper are hereby requested.

REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is NIKE, Inc.

RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals or interferences.

STATUS OF CLAIMS

37 C.F.R. § 41.37(c)(1)(iii)

Claims 1, 2, 4-38, and 40-55 are rejected and presently appealed. Claims 3, 39, and 61-67 have been cancelled without prejudice or disclaimer. Claims 56-60 and 68-76 have been withdrawn from consideration.

STATUS OF AMENDMENTS

37 C.F.R. § 41.37(c)(1)(iv)

No amendments have been made subsequent to final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various embodiments in the specification text and/or drawings to explain the claimed invention, Appellants do not intend to limit the claims to those embodiments; all references to the specification and drawings are illustrative unless otherwise explicitly stated. Appellants refer to the patent application publication, U.S. Patent Pub. No. 2005/0092631, for the cited support.

Independent claim 1 is directed to a golf bag. U.S. Patent Publication No. 2005/0092631, Abstract, paras. [01], [05], [29]-[33], FIGS. 1-4. The golf bag includes a substantially hollow body with a first end for receiving golf equipment and an opposite second end. *Id.* at paras. [30], [31]. The golf bag further includes a base secured to the second end of the body. *Id.* at paras. [34]-[37]. The base is formed of a single piece element that extends substantially around the second end of the body and forms a support surface for contacting a ground. *Id.* at paras. [37],

[38], [39]. The base defines a flexion line, a first portion of the base being pivotable with respect to a second portion of the base about the flexion line. *Id.* at paras. [06], [39].

Independent claim 20 is directed to a golf bag configurable to stand in an upright position or an inclined position. *Id.* at paras. [01], [05], [29]-[32], [34], [35], FIGS. 1-4. The golf bag comprising a substantially hollow body with a first end for receiving golf equipment and an opposite second end. *Id.* at paras. [30], [31]. The golf bag further including a base secured to the second end of the body, the base formed of a single piece element that extends substantially around the second end of the body and forms a support surface for contacting a ground. *Id.* at paras. [37], [38], [39]. The base is formed of a flexible material such that a first portion of the base is pivotable with respect to a second portion of the base. *Id.* at paras. [06], [36], [38], [39], [41]. The golf bag further including a support assembly secured to the body and the base, the support assembly including a pair of legs for supporting the golf bag in the inclined position. *Id.* at paras. [32]-[34], FIGS. 1-4.

Independent claim 38 is directed to a golf bag. *Id.* at paras. [01], [05], [29]-[33], FIGS. 1-4. The golf bag comprising a substantially hollow body with a first end for receiving golf equipment and an opposite second end. *Id.* at paras. [30], [31]. The golf bag further including a base secured to the second end of the body. *Id.* at paras. [34]-[37]. The base is formed of a single piece element that extends substantially around the second end of the body and forms a support surface for contacting a ground. *Id.* at paras. [37], [38], [39]. The base is formed of a flexible polymer foam material and a first portion of the base is pivotable with respect to a second portion of the base about a flexion line. *Id.* at paras. [06], [36], [38], [39], [41].

Independent claim 48 is directed to a golf bag. *Id.* at paras. [01], [05], [29]-[33], FIGS. 1-4. The golf bag comprises a substantially hollow body for receiving golf equipment. *Id.* at para. [30]. The golf bag further includes a base secured to an end of the body. *Id.* at paras. [34]-[37]. The base further includes a foam element formed of a polymer foam material. *Id.* at paras. [38], [39], [41]. The base has at least a first wear element and a second wear element secured to an exterior surface of the foam element. *Id.* at paras. [07], [48]-[50]. The first wear element has a first configuration and the second wear element has a second configuration different from the

first configuration. *Id.* at para. [49], FIGS. 12, 13. At least one of the first and second wear elements is configured to contact a ground. *Id.* at para. [49].

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

37 C.F.R. § 41.37(c)(1)(vi)

- Claims 1, 4-11, 15, 16, 20-28, 33, 34, and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,938,762 to Cheng (hereinafter “Cheng ‘762”).
- Claims 1, 6, 8-11, 15, 16, 18, 20-25, 33, and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,386,362 to Cheng (hereinafter “Cheng ‘362”).
- Claims 1, 4-11, 15, 16, 18, 20-28, 33, 34, and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,568,527 to Te-Pin (hereinafter “Te-Pin”).
- Claims 1, 4, 7-11, 15, 16, 18, 20-27, 33, 34, and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,564,937 to Cheng (hereinafter “Cheng ‘937”).
- Claims 2, 29, 30, 38, 40-43, 46 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng ‘762, Cheng ‘362, Te-Pin, or Cheng ‘937 in view of U.S. Patent Publication No. 2004/0200746 to Kang (hereinafter “Kang”) or U.S. Patent No. 3,941,398 to Nelson (hereinafter “Nelson”).
- Claims 12-14, 31, 32, 35-37, 44, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng ‘762, Cheng ‘362, Te-Pin, or Cheng ‘937 in view of U.S. Patent No. 6,648,137 to Hamamori (hereinafter “Hamamori”) or U.S. Patent No. 6,298,988 to Wen-Chien (hereinafter “Wen-Chien”).
- Claims 48-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng ‘762, Cheng ‘362, Te-Pin, or Cheng ‘937 in view of U.S. Patent No. 6,634,497 to Chang (hereinafter “Chang”) or U.S. Patent No. 5,941,383 to Cheng (hereinafter “Cheng ‘383”).
- Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over “Cheng rejections as set forth in paragraphs 4-9 [of the final Office Action mailed February 7, 2008].” *See* the final Office Action at p. 4. Applicants respectfully submit that paragraph

4 of the final Office Action does not cite a “Cheng” reject, but rather cites a rejection based on Te-Pin. Accordingly, claims 17-19 stand rejected based on Cheng ‘762, Cheng ‘362, Cheng ‘937 or possibly Te-Pin in view of Japanese Patent No. JP 198250 (hereinafter “JP ‘250”), U.S. Patent No. 3,866,646 to Nevard (hereinafter “Nevard”) and U.S. Patent No. 6,736,264 to Yoshida (hereinafter “Yoshida”).

- Claims 48-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang or Cheng ‘383 in view of Hamamori or Wen-Chien and further in view of Kang or Nelson.

ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

A. Rejection of Claims 1, 4-11, 15, 16, 20-28, 33, 34 and 36 Based on Cheng ‘762

1. Independent Claims 1, 20, and 38

Applicants respectfully submit that Cheng ‘762 is not valid prior art against the recited claims. The filing date of the Cheng ‘762 reference is May 28, 2003. With respect to claims 1, 4-11, 15, 16, 20-28, 33, 34 and 36, Applicants rely on the Declaration of the inventors under 37 C.F.R. § 1.131 filed March 19, 2007, to establish a date of conception and reduction to practice prior to May 28, 2003, the filing date of the Cheng ‘762 reference. Based on the 37 C.F.R. § 1.131 Declaration of the inventors, Applicants antedate the filing date of Cheng ‘762. Accordingly, Cheng ‘762 is not prior art. Applicants respectfully request withdrawal of this rejection.

As discussed in Applicants’ Amendment and Request for Continued Examination filed December 20, 2007, Applicants respectfully request reconsideration of the Declaration of the inventors under 37 C.F.R. § 1.131 filed previously. The Office asserts that the declaration was inadequate to withdraw all rejections based on the Cheng ‘762 reference. The Office further asserts that the “the term ‘one piece’ is broad and does not exclude the bottom of Cheng ‘362, Te-Pin, and Cheng ‘937 formed from a plurality of other parts. By changing the recitation to ‘single piece’ this, too, does not exclude the bottom of Cheng ‘362, Te-Pin, and Cheng ‘937 formed from a plurality of other parts.” See the final Office Action at p. 4-5. Without

acquiescing to this assertion, Applicants respectfully submit that the Declaration provided was intended to provide a basis for withdrawal of rejections based on *Cheng* '762.

The Office previously asserted, in the final Office Action mailed September 21, 2007 that the "declaration fails to show that the bottom is made from one piece." *See* the Final Office Action mailed September 21, 2007 at p. 5. Applicants respectfully disagree. Several exhibits filed with the Declaration depict the bottom as being one piece. For instance, Exhibit C shows a one piece bottom. Durable inserts are shown in the figure but, as indicated in the exhibit, they are only included "as needed." *See* Declaration Exhibit C filed March 19, 2007. In addition, Exhibit D depicts the bottom as a single piece. Exhibit E also shows the base as a single unit. Additional durable inserts are shown in Exhibit E. However, these inserts, that may or may not be used in conjunction with the one piece base, do not detract from the base itself being a single piece. Exhibits F and G further illustrate a base formed of a single piece element. While additional inserts or wear guards may be used with the bag, the base itself is shown as one piece. Accordingly, Applicants respectfully assert that the Declaration filed does indeed show the base as being a single piece, as recited in independent claims 1, 20, and 38.

Further, the Office asserts that "none of the evidence shows an indentation in the interior surface of the base (cl. 5), the reduced thickness (cl. 6, 7), shaft with handle (cl. 15-19). *See* the Final Office Action at p.5. Without acquiescing to this assertion, Applicants respectfully submit that none of independent claims 1, 20, or 38 recite features of the bag including the indentation on the inside surface or a handle.

Accordingly, Applicants respectfully assert that the evidence presented in the Declaration is sufficient to establish a date of conception and reduction to practice prior to May 28, 2003, the filing date of *Cheng* '762. *Cheng* '762 is therefore not valid as prior art against the present claims, and Applicants respectfully request withdrawal of these rejections.

2. *Dependent Claims 4-11, 15, 16, 21-28, 33, 34, 36, 40-43, 46 and 47*

Claims 4-11, 15, 16, 21-28, 33, 34, 36, 40-43, 46 and 47 depend from claims 1, 20 and 38, respectively, and are allowable over the applied reference for at least the same reasons as discussed above with respect to claims 1, 20 and 38.

B. Rejection of Claims 1, 6, 8-11, 15, 16, 18, 20-25, 33, and 34 Based on Cheng ‘362

1. Independent Claims 1 and 20

As discussed in Applicants’ Amendment and Request for Continued Examination filed December 20, 2007, independent claims 1 and 20 recite, among other features, “[a] golf bag comprising...a base secured to the second end of the body, the base *formed of a single piece element that extends substantially around the second end of the body.*” (Emphasis added). Cheng ‘362 fails to teach or suggest a base formed of a single piece element. The amendment is made in response to the assertion by the Office that the previously used claim term “‘one piece’ is broad and does not exclude the other part coming together to form one piece item.” See the Final Office Action at p. 4-5. While Applicants do not agree with the assertion of the Office, Applicants assert that a base made from a plurality of parts clearly can not be considered *formed of a single piece element*, as recited in claims 1 and 20.

Cheng ‘362 describes a golf bag including a base seat. Col. 2, lines 43-45. The base seat includes a front section, a rear section and a pivot section connected between the front and rear sections. Col. 2, lines 65-67. Cheng ‘362 fails to teach or suggest a base *formed of a single piece element* extending substantially around the second end of the body. Rather, Chang ‘362 describes a multi-part base having a pivot section (40 in Figures 1-7) that is formed of a flexible material to facilitate bending of the base. Col. 3, lines 17-20. The pivot section is *connected between* the front and rear sections. Further, Cheng describes the front and rear sections as “halves of the base seat and the pivot section is positioned at the center of the base seat.” See Cheng ‘362 col. 4, lines 21-23. Cheng also describes the front and rear sections as able to be “*connected by an alternative measure*” rather than by the aforesaid pivot section. *Id* at col. 4, lines 8-11. (Emphasis added) Therefore, Cheng ‘362 clearly fails to teach or suggest a base formed of a single piece element, as recited in independent claims 1 and 20. Accordingly, Applicants respectfully assert that claims 1 and 20 are patentably distinct from Cheng ‘362.

2. Dependent Claims 6, 8-11, 15, 16, 18, 21-25, 33 and 34

Dependent claims 6, 8-11, 15, 16 and 18 that depend from claim 1, as well as claims 21-25, 33, and 34 that depend from claim 20, are allowable for at least the same reasons as discussed above with respect to their base claims

C. Rejection of Claims 1, 4-11, 15, 16, 18, 20-28, 33, 34, and 36 Based on Te-Pin

1. Independent Claims 1 and 20

As discussed above, independent claims 1 and 20 recite, among other features, a golf bag including a base, the base *formed of a single piece element that extends substantially around the second end of the body*. Applicants respectfully assert that Te-Pin fails to teach or suggest these features.

Te-Pin describes a golf bag that includes a base bracket. Col. 2, lines 48-49. The base bracket includes a front section, a rear section, a first flexible section disposed on the front section, a second flexible section disposed on the rear section and a connecting member connected between the first and second flexible sections. *See* Col. 2, lines 57-61 and FIGS. 1, 2, 4 and 5. The connecting member is disposed between the first and second flexible sections and is connected with outer edges of corresponding portions thereof. Col. 3, lines 33-35. A part of the connecting member is connected with the first and second flexible sections on the bottom of the base bracket, while another part is connected with the first and second flexible sections on the lateral side of the base seat. Col. 3, lines 35-40. The first and second sections are “connected together to form a larger receiving space.” Col. 3, lines 40-41.

Clearly, Te-Pin fails to teach or suggest a base formed of a single piece element that extends substantially around the second end of the body. In fact, Te-Pin describes a base including multiple parts connected together. For instance, the connecting member of Te-Pin is “bridged and connected between the first and second flexible sections by way of stitching.” Col. 4, lines 15-17. Note also Figs. 2, 4 and 5 of Te-Pin. As such, Te-Pin specifically teaches away from a base formed of a single piece element that extends substantially around the second end of the body, as recited in claims 1 and 20. Applicants respectfully assert that independent claims 1 and 20 patentably distinguish from Te-Pin and request withdrawal of this rejection.

2. Dependent Claims 4-11, 15, 16, 18, 21-28, 33, 34 and 36

Claims 4-11, 15, 16 and 18 that depend from claim 1, as well as claims 21-28, 33, 34 and 36 that depend from claim 20, are allowable for at least the same reasons as discussed above with respect to their base claims.

D. Rejection of Claims 1, 4, 7-11, 15, 16, 18, 20-27, 33, 34, and 36 Based on Cheng ‘937

1. Independent Claims 1 and 20

As discussed above, independent claims 1 and 20 recite, among other features, a golf bag including a base, the base *formed of a single piece element that extends substantially around the second end of the body*. Applicants respectfully submit that Cheng ‘937 fails to teach or suggest such features.

Cheng ‘937 describes a golf bag including a base having a front section and a rear section. Col. 3, lines 3-4. The bottom of the front section is open and a driving board is connected to the front section via a connecting structure. Col. 3, lines 12-31. The golf bag base of Cheng ‘937 includes multiple parts. *See* FIGS. 2 and 3. Clearly, Cheng ‘937 fails to teach or suggest a base formed of a single piece element that extends substantially around the second end of the body, as recited in the claims. Accordingly, Applicants assert that independent claims 1 and 20 are patentably distinct from Cheng ‘937.

2. Dependent Claims 4, 7-11, 15, 16, 18, 21-27, 33, 34 and 36

Claims 4, 7-11, 15, 16 and 18 that depend from claim 1, as well as claims 21-27, 33, 34 and 36 that depend from claim 20, are allowable for at least the same reasons as discussed above with respect to their base claims.

E. Rejection of Claims 2, 29, 30, 38, 40-43, 46 and 47 Based on Cheng ‘762, Cheng ‘362, Te-Pin or Cheng ‘937 in view of Kang or Nelson

1. Dependent Claims 2, 29 and 30

Claims 2 and 29-30 depend from claims 1 and 20, respectively. As discussed above, none of the Cheng references or Te-Pin teaches or suggests the features of claims 1 and 20. The addition of Kang or Nelson fails to cure the deficiencies of the Cheng references or the Te-Pin reference with respect to claims 1 and 20. Accordingly, Applicants respectfully submit that

claims 2, 29 and 30 are allowable for at least the same reasons as their respective base claims and further in view of the novel features recited therein.

2. Independent Claim 38

Independent claim 38 recites features similar to those recited in claims 1 and 20. For example, claim 38 recites, among other features, “[a] golf bag comprising: ...a base secured to the second end of the body, the base *formed of a single piece* element that extends substantially around the second end of the body” (Emphasis added). None of Cheng ‘762, Cheng ‘362, Cheng ‘937 or Te-Pin teaches or suggests the features of claim 38. The addition of Kang or Nelson fails to cure the deficiencies of these references with respect to claim 38 because neither Kang nor Nelson, alone or in combination, teaches or suggests the base formed of a single piece element. Accordingly, Applicants respectfully assert that claim 38 is allowable over the cited references.

3. Dependent Claims 40-43, 46 and 47

Claims 40-43, 46 and 47 depend from claim 38 are allowable for at least the same reasons as discussed above with respect to their base claims.

F. Rejection of Claims 12-14, 31, 32, 35-37, 44, and 45 Based on Cheng ‘762, Cheng ‘362, Te-Pin or Cheng ‘937 in view of Hamamori or Wen-Chien

Claims 12-14 that depend from claim 1, as well as claims 31, 32 and 35-37 that depend from claim 20, and claims 44 and 45 that depend from claim 38, are allowable for at least the same reasons described above with respect to their respective base claims. The addition of Hamamori or Wen-Chien fails to cure the deficiencies of the Cheng references and Te-Pin with respect to independent claims 1, 20 and 38. Accordingly, Applicants respectfully assert that dependent claims 12-14, 31, 32, 35-37, 44 and 45 are allowable over the cited combination of references.

G. Rejection of Claims 48-55 Based on Cheng ‘762, Cheng ‘362, Te-Pin or Cheng ‘937 in view of Chang or Cheng ‘383

1. Independent Claim 48

As discussed in Applicants' Amendment and Request for Continued Examination filed December 20, 2007, independent claim 48 recites, among other features, a golf bag comprising:

a base secured to an end of the body, the base having a foam element formed of a polymer foam material, and the base having at least a first wear element and a second wear element secured to an exterior surface of the foam element, wherein *the first wear element has a first configuration and the second wear element has a second configuration, the second configuration being different from the first configuration* and wherein at least one of the first and second wear elements is configured to contact a ground.

None of the Cheng references or Te-Pin teaches or suggests the features of claim 48. For example, none of the Cheng references or Te-Pin teaches or suggests at least a first and second wear element. The addition of Chang or Cheng '383 fails to cure the deficiencies of the Cheng references or Te-Pin with respect to claim 48. None of the cited references, alone or in combination, teaches or suggests a first wear element and a second wear element having different configurations. At most, the Chang '497 and Cheng '383 each recite a wear element. The wear elements have a configuration. However, neither Chang '497 nor Cheng '383, nor any of the other cited references, teaches or suggests *two wear elements having different configurations*. Accordingly, Applicants respectfully submit that claim 48 is allowable over the cited combination of references.

2. Dependent Claims 49-55

Claims 49-55 depend from claim 48 and are allowable for at least the same reasons as discussed above with respect to claim 48.

H. Rejection of Claims 17-19 Based on Cheng ‘762, Cheng ‘362, or Cheng ‘937 in view of JP ‘250, Nevard or Yoshida

Claims 17-19 depend from claim 1. The addition of JP ‘250, Nevard and/or Yoshida fails to cure the deficiencies of the Cheng references with respect to claim 1. For instance, none of JP ‘250, Nevard or Yoshida teaches or suggests a base formed of a single piece element that extends substantially around the second end of the body. Accordingly, Applicants assert that claims 17-19 are allowable for at least the same reasons as their base claim and further in view of the novel features recited therein.

I. Rejection of Claims 48-55 Based on Chang or Cheng ‘383 in view of Hamamori or Wen-Chien and further in view of Kang or Nelson

None of the cited references, alone or in combination, teaches or suggests the features of claim 48. For instance, none of the cited references teaches or suggests a base having a first wear element and a second wear element secured to an exterior surface of the foam element, wherein the *first wear element has a first configuration and the second wear element has a second configuration, the second configuration being different from the first configuration*, as recited in claim 48. Accordingly, Applicants respectfully assert that claim 48, as well as claims 49-55 that depend therefrom, are patentably distinct from the cited combination of references.

CONCLUSION

For all of the foregoing reasons, Appellant respectfully submits that the final rejection of claims 1, 2, 4-38 and 40-55 is improper and should be reversed.

Respectfully submitted,
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Dated: May 1, 2009

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CLAIMS APPENDIX
37 C.F.R. § 41.37(c)(1)(viii)

Claims involved in the appeal:

1. A golf bag comprising:

a substantially hollow body with a first end for receiving golf equipment and an opposite second end; and

a base secured to the second end of the body, the base formed of a single piece element that extends substantially around the second end of the body and forms a support surface for contacting a ground, and the base defining a flexion line, a first portion of the base being pivotable with respect to a second portion of the base about the flexion line.

2. The golf bag recited in claim 1, wherein the base is formed of a polymer foam material.

4. The golf bag recited in claim 1, wherein the flexion line is an indentation in the base.

5. The golf bag recited in claim 4, wherein the indentation is defined in an interior surface of the base.

6. The golf bag recited in claim 4, wherein sidewalls of the base have a reduced thickness in areas positioned at an interface of the first portion and the second portion of the base.

7. The golf bag recited in claim 4, wherein the support surface of the base has a reduced thickness in areas positioned at the interface of the first portion and the second portion of the base.
8. The golf bag recited in claim 1, further including a support assembly that includes a pair of legs for supporting the golf bag in an inclined position.
9. The golf bag recited in claim 8, wherein the first portion is pivoted with respect to the second portion when the golf bag is in the inclined position.
10. The golf bag recited in claim 8, wherein the support assembly includes an actuator that extends between the legs and the base.
11. The golf bag recited in claim 10, wherein the actuator joins with a first connecting element that is secured to the base.
12. The golf bag recited in claim 1, wherein at least one wear element is secured to an exterior surface of the base.
13. The golf bag recited in claim 12, wherein the at least one wear element includes a first wear element and a second wear element that are positioned on opposite sides of the base.

14. The golf bag recited in claim 12, wherein the wear element is formed from a rubber material.
15. The golf bag recited in claim 1, wherein a shaft extends between an upper portion of the golf bag and the base.
16. The golf bag recited in claim 15, wherein the shaft joins with a second connecting element that is secured to the base.
17. The golf bag recited in claim 15, wherein the shaft includes a curved area positioned proximal the first end of the body, the curved area forming a handle.
18. The golf bag recited in claim 15, wherein the shaft includes a curved area positioned proximal the second end of the body.
19. The golf bag recited in claim 18, wherein the curved area extends into material elements forming the body to support a shape of the material elements.
20. A golf bag configurable to stand in an upright position or an inclined position, the golf bag comprising:

a substantially hollow body with a first end for receiving golf equipment and an opposite second end;

a base secured to the second end of the body, the base formed of a single piece element that extends substantially around the second end of the body and forms a support surface for contacting a ground, the base being formed of a flexible material such that a first portion of the base is pivotable with respect to a second portion of the base; and

a support assembly secured to the body and the base, the support assembly including a pair of legs for supporting the golf bag in the inclined position.

21. The golf bag recited in claim 20, wherein the base is in an unflexed configuration and the legs are adjacent to the body when the golf bag is in the upright position, and the first portion is pivoted with respect to the second portion and the legs extend obliquely away from the body when the golf bag is in the inclined position.

22. The golf bag recited in claim 20, wherein the support assembly includes an actuator that extends between the legs and the base.

23. The golf bag recited in claim 22, wherein the actuator joins with a first connecting element that is secured to the base.

24. The golf bag recited in claim 20, wherein the base defines a flexion line, the first portion of the base being pivotable about the flexion line.

25. The golf bag recited in claim 24, wherein sidewalls of the base have a reduced thickness in areas positioned at an interface of the first portion and the second portion of the base.

26. The golf bag recited in claim 24, wherein the support surface of the base has a reduced thickness in areas positioned at the interface of the first portion and the second portion of the base.
27. The golf bag recited in claim 20, wherein the flexion line is an indentation in the base.
28. The golf bag recited in claim 27, wherein the indentation is defined in an interior surface of the base.
29. The golf bag recited in claim 20, wherein the base is formed of a polymer foam material.
30. The golf bag recited in claim 20, wherein the base is formed of an ethylvinylacetate foam material.
31. The golf bag recited in claim 20, wherein at least one wear element is secured to an exterior surface of the base.
32. The golf bag recited in claim 31, wherein the wear element is formed from a rubber material.

33. The golf bag recited in claim 20, wherein a shaft extends between an upper portion of the golf bag and the base.

34. The golf bag recited in claim 33, wherein the shaft joins with a second connecting element that is secured to the base.

35. The golf bag recited in claim 33, wherein the shaft includes a first curved area positioned proximal the first end of the body, the curved area forming a handle.

36. The golf bag recited in claim 35, wherein the shaft includes a second curved area positioned proximal the second end of the body.

37. The golf bag recited in claim 36, wherein the second curved area extends into material elements forming the body to support a shape of the material elements.

38. A golf bag comprising:

a substantially hollow body with a first end for receiving golf equipment and an opposite second end; and

a base secured to the second end of the body, the base formed of a single piece element that extends substantially around the second end of the body and forms a support surface for contacting a ground, and the base being formed of a flexible polymer foam material, a first portion of the base being pivotable with respect to a second portion of the base about a flexion line.

40. The golf bag recited in claim 38, wherein the flexion line is an indentation in the base.
41. The golf bag recited in claim 40, wherein the indentation is defined in an interior surface of the base.
42. The golf bag recited in claim 38, further including a support assembly secured to the body and the base, the support assembly including a pair of legs for supporting the golf bag in an inclined position.
43. The golf bag recited in claim 38, wherein the polymer foam material is an ethylvinylacetate foam.
44. The golf bag recited in claim 38, wherein at least one wear element is secured to an exterior surface of the base.
45. The golf bag recited in claim 44, wherein the wear element is formed from a rubber material.
46. The golf bag recited in claim 38, wherein sidewalls of the base have a reduced thickness in areas positioned at an interface of the first portion and the second portion of the base.

47. The golf bag recited in claim 38, wherein the support surface of the base has a reduced thickness in areas positioned at the interface of the first portion and the second portion of the base.

48. A golf bag comprising:

a substantially hollow body for receiving golf equipment; and

a base secured to an end of the body, the base having a foam element formed of a polymer foam material, and the base having at least a first wear element and a second wear element secured to an exterior surface of the foam element, wherein the first wear element has a first configuration and the second wear element has a second configuration different from the first configuration and wherein at least one of the first and second wear elements is configured to contact a ground.

49. The golf bag recited in claim 48, wherein the foam element is flexible, and a first portion of the foam element is pivotable with respect to a second portion of the foam element.

50. The golf bag recited in claim 49, wherein an indentation in the foam element forms a flexion line for pivoting of the first portion with respect to the second portion.

51. The golf bag recited in claim 49, wherein sidewalls of the base have a reduced thickness in areas positioned at an interface of the first portion and the second portion of the base.

52. The golf bag recited in claim 49, wherein a support surface of the base has a reduced thickness in areas positioned at an interface of the first portion and the second portion of the base.

53. The golf bag recited in claim 48, further including a support assembly that includes a pair of legs for supporting the golf bag in an inclined position.

54. The golf bag recited in claim 48, wherein the polymer foam material is selected from a group consisting of ethylvinylacetate and polyurethane foam.

55. The golf bag recited in claim 48, wherein the at least one of the first wear element and the second wear element is formed from a rubber material.

EVIDENCE APPENDIX
37 C.F.R. § 41.37(c)(1)(ix)

NONE.

RELATED PROCEEDINGS APPENDIX
37 C.F.R. § 41.37(c)(1)(x)

NONE.